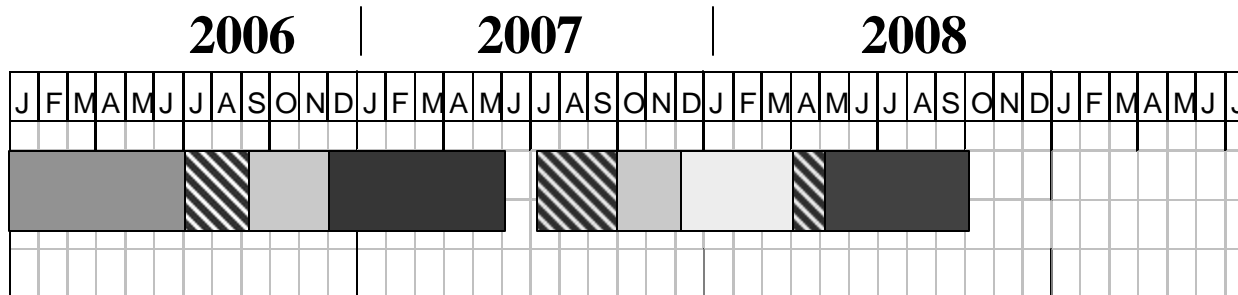


TRIENNIAL REVIEW

Commonwealth of Virginia
Department of Environmental Quality
Notice of Intended Regulatory Action
WATER QUALITY STANDARDS
PUBLIC MEETING
October 12, 2006
Richmond

TRIENNIAL REVIEW TIMELINE



•Pre-NOIRA



•DPB and Executive Reviews



•NOIRA or NOPC Comment Periods



•Public Comment Review, Ad Hoc, Proposal Development, Board Approval



•Public Comment Review, Board Adoption in March 08



•Final Publication, AGO Certification, EPA Approval, Effective Date

Triennial Review of VA Water Quality Standards

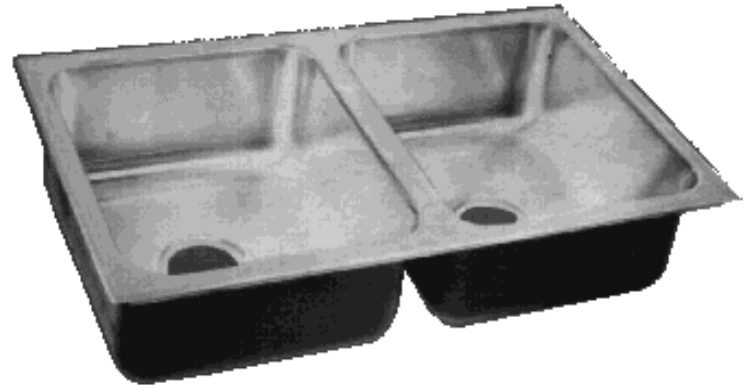
- NOIRA issued September 18
- Comment period closes November 17
- Agency background document on Town Hall
- Identified 96 issues under consideration by the agency, but we are not limited to those.

<http://www.deq.virginia.gov/wqs/>

Issues Being Considered Under These Topics

- Use Designation
- Mixing Zone
- Antidegradation
- Bacteria
- Criteria
- Chesapeake Bay
- Special Standards
- Trout Waters
- Public Water Supply
- Miscellaneous Issues

“Everything but the....”



Mixing Zones

9 VAC 25-260-20.B

- Mixing zones currently focused on VPDES, toxics, temperature. Does it need clarification e.g. VWP, nutrients, human health?



Antidegradation

9 VAC 25-260-30

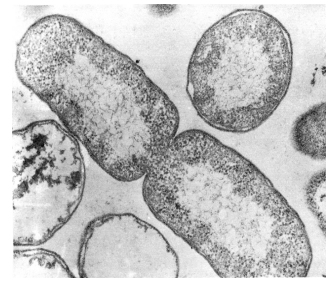
- Incorporate an additional 'tier' designation (i.e. Tier 2.5) to maintain higher quality streams and/or clarify existing tier designations (subsections A.1, A.2 and A.3).





Bacteria

9 VAC 25-260-160 and 170



■ **Bacteria; shellfish waters**

- Fecal Coliform (14/100)

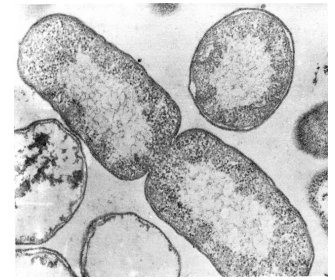
■ **Bacteria; other waters**

- A. In surface waters, except shellfish waters the following criteria shall apply to protect primary contact recreational uses:
 1. Fecal coliform bacteria shall not exceed a geometric mean of 200 fecal coliform bacteriaThis criterion shall not apply... after the bacterial indicators ...have a minimum of 12 data points or after June 30, 2008, whichever comes first.



Bacteria

9 VAC 25-260-160 and 170



Bacteria; other waters

A.2.	Geometric Mean ¹	Single Sample Maximum ²
<i>E.Coli</i> (fresh)	126	235
Enterococci (salt)	35	104

¹ Two or more samples calendar month.

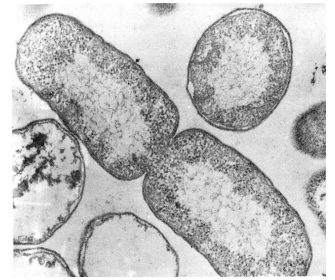
² No single sample maximum shall exceed a 75% upper one-sided confidence limit based on a site-specific log standard deviation. If site data are insufficient to establish a site-specific log standard deviation, then 0.4 shall be used as the log standard deviation in freshwater and 0.7 shall be as the log standard deviation in saltwater and transition zone. Values shown are based on a log standard deviation of 0.4 in freshwater and 0.7 in saltwater.

B. Notwithstanding the above, all sewage discharges shall be disinfected to achieve the applicable bacteria concentrations in subsection A 2 of this section prior to discharge.



Bacteria

9 VAC 25-260-160 and 170

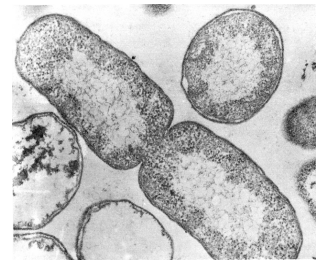


- Clarify bacteria criteria (other waters) also apply in shellfish waters.
- Remove fecal coliform criterion for recreational use (keep *E. coli* and enterococci).



Bacteria

9 VAC 25-260-160 and 170



- Clarify how the bacteria maximum (or percentile) and geometric mean are to be interpreted (e.g. if both the bacteria max and mean apply, is it a max or is it a percentile)
- Clarify how the max and mean are to be used for each program (monitoring, assessments, TMDL, beach closure, permits)
- Allow a fixed rate percent (e.g. 10%) to define allowable excursions for SSM
- Adjust the averaging period (e.g. seasonal or annual).
- Address wet weather or CSO impacted waters.
- Address illness rates (risk levels) for recreational criteria.

Criteria (Swamps)

9 VAC 25-260-50, 390 – 540

- Add new Class VII Swamp Waters
- Adjust dissolved oxygen criteria and pH criteria for Class VII Swamp Waters.



Criteria

9 VAC 25-260-140

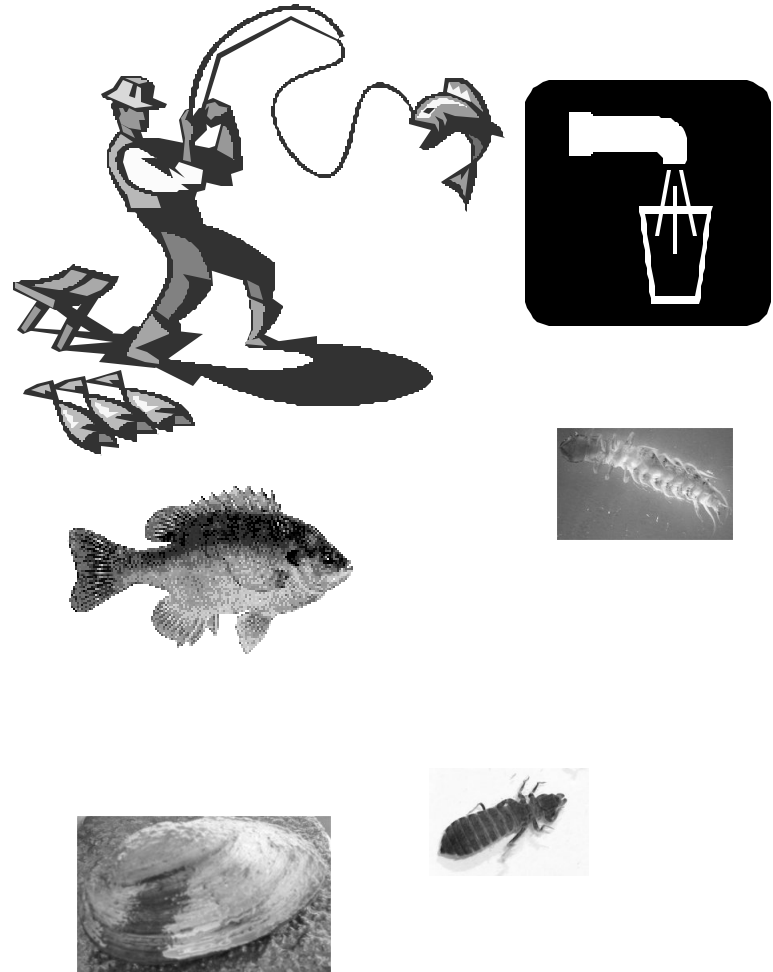
- Address a fixed rate percent method (i.e. 10%) to define allowable excursions of criteria (D.O., temp).
- Define number of significant figures for criteria.
- Address maximum temperature criteria and recreational uses.
- Include enhanced biological narrative criteria



Criteria

9 VAC 25-260-140

- Update numerical criteria for aquatic life and human health protection (e.g. chlorine, copper, diazinon, flouride, lead, nonylphenol, radionuclides, TBT, toxaphene, fish tissue (e.g. mercury), 19 other human health criteria or just include methodology) based on new scientific information.
- Simplify duration and return frequency of toxics criteria.
- Add total dissolved solids numerical criteria for aquatic life protection.



Chesapeake Bay

9 VAC 25-260-185

- Identify whether shallow water use designations apply in SAV 'no grow zones' or segments with no historical SAV documented.
- Update Bay segmentation scheme to separate smaller tidal tributaries or embayments from larger Bay segments.
- Update CFD curves in subsection D.
- Clarify the period over which the DO assessment should be done (annual, seasonal or summer vs. rest of year).



Special Standards

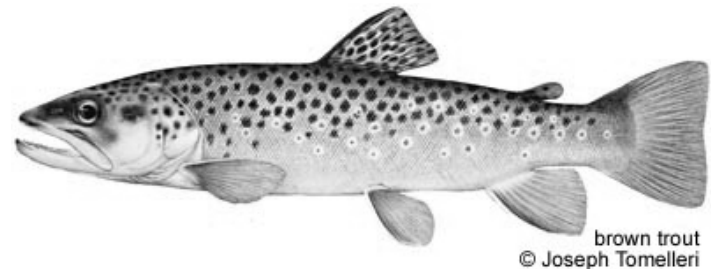
9 VAC 25-260-310

- Include site specific criteria for manganese in the Roanoke River near Clover, VA due to high natural background.
- Include Water Effect Ratio for Blackwater River (Franklin).
- Clarify that Chickahominy special standard 'm' does not apply to 'discharges consisting solely of storm water.' Update TP effluent limit for Tyson. Clarify duration of discharge limits for settleable solids and ammonia nitrogen (monthly averages).
- Delete obsolete special standards (e.g. chloride sp. std. 's').
- Add special standard for pH in epilimnion of lakes where higher than 9.0.
- Verify limestone streams with pH criteria to 6.5 – 9.5 in naturally affected areas.

Trout Waters

9 VAC 25-260-50, 370, 390 – 540

- Add, modify or delete trout waters as appropriate.
- Adjust temperature criteria or application of temperature criteria to stockable streams in summer



Public Water Supply

9 VAC 25-260- 390 – 540

- Add, modify or delete public water supply designations per VDH



Ad Hoc Committee

- Meetings December 1, 2006, February 21, March 21, April 18, May 9, 2007 in Richmond (Piedmont Regional Office)
- Send in requests ASAP email OK
emdaub@deq.virginia.gov
(804) 698-4111

